

Gordon Rees Scully Mansukhani, LLP
300 S. 4th Street, Suite 1550
Las Vegas, NV 89101

BRIAN K. WALTERS, ESQ.
Nevada Bar No. 9711
GORDON REES SCULLY MANSUKHANI, LLP
300 S. 4th Street, Suite 1550
Las Vegas, Nevada 89101
Telephone: (702) 577-9300
Facsimile: (877) 306-0043
E-Mail: bwalters@grsm.com

Attorneys for Defendants
HISCOX INSURANCE COMPANY INC.
and HISCOX, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THC NEVADA, LLC,

Plaintiff,

vs.

HISCOX INSURANCE COMPANY, INC., ET AL.

Defendants.

Eighth Judicial District Court
Case No.: A-21-828739-C
Dept. No.: 29

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants Hiscox Insurance Company Inc. (“HIC”) and Hiscox, Inc. (“HI”) (collectively “Hiscox”) hereby remove this action from the District Court of Clark County, Nevada to the United States District Court for the District of Nevada, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. In support hereof, Hiscox further states as follows:

I. REMOVAL JURISDICTION

1. This action is removable to this Court pursuant to 28 U.S.C. § 1332, because complete diversity exists between the parties and the amount in controversy exceeds \$75,000.

2. Removal to this Court is proper pursuant to 28 U.S.C. §§ 1391 and 1446(a).

II. RELEVANT PROCEDURAL BACKGROUND

3. Plaintiff THC Nevada, LLC (“Plaintiff”) filed its Amended Complaint on May 28, 2021 in the District Court of Clark County, Nevada. (See Plaintiff’s Amended Complaint, attached hereto as Ex. A). Plaintiff alleges four separate causes of action against Hiscox: (a) Breach of Contract; (b) Violations of NRS 686A.310 and Violation of Good Faith and Fair

1 Dealing; (c) Declaratory Relief; and (d) Tortious Breach of Implied Covenant of Good Faith and
2 Fair Dealing. (See id.).

3 4. Hiscox received formal service of Plaintiff's Amended Complaint on June 9,
4 2021. (See Notice of Service, attached hereto as Ex. B).

5 5. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of "all process,
6 pleadings, and orders" served on Hiscox is attached hereto as Ex. A and B.

7 **III. TIMELINESS OF REMOVAL**

8 6. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal must be filed within
9 thirty (30) days after Hiscox's receipt of the Amended Complaint (through service or otherwise).
10 As set forth in ¶ 4 supra, Hiscox received formal service of the Amended Complaint on June 9,
11 2021. Therefore, this Notice of Removal is timely.

12 **IV. VENUE**

13 7. Removal is proper under 28 U.S.C. § 1441(a), because this Court sits in the
14 District and Division "embracing the place where [this] action is pending" – the District Court of
15 Clark County, Nevada. (See Ex. A).

16 **V. JURISDICTION**

17 8. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §
18 1332(a), because there is complete diversity between the parties and the amount in controversy
19 exceeds \$75,000 (exclusive of costs and interest).

20 9. There is complete diversity between Plaintiff and Hiscox, because: (a) Plaintiff is
21 a Nevada limited liability company with its principal place of business in Las Vegas, Nevada and
22 whose members are Nevada residents; (b) HIS is an Illinois corporation with its principal place
23 of business in Chicago, Illinois; and (c) HI is a Delaware corporation with its principal place of
24 business in Chicago, Illinois. (See Ex. A at ¶¶ 1-2, 5).

25 10. The amount in controversy exceeds \$75,000 (exclusive of costs and interests), as:
26 (a) Plaintiff seeks recovery of more than \$500,000 in alleged losses; and (b) Plaintiff alleges
27 multiple causes of action for extra-contractual liability and seeks compensatory and punitive
28 damages (See Ex. A at pp. 2-6).

11. Accordingly, this action is removable pursuant to 28 U.S.C. § 1441.

VI. NOTICE TO PLAINTIFF'S COUNSEL AND THE STATE COURT

12. Pursuant to 28 U.S.C. § 1446(d), Hiscox will provide Plaintiff's counsel with a copy of this Notice of Removal and file a copy hereof with the Clerk of the District Court of Clark County.

VII. CONCLUSION

13. For the foregoing reasons, this action is properly removable to this Court, and Hiscox respectfully request that this Court assume full jurisdiction over this matter.

DATED this 8th day of July, 2021.

GORDON REES SCULLY
MANSUKHANI, LLP

/s/ Brian K. Walters
Brian K. Walters, Esq.
Nevada Bar No. 9711
300 S. 4th Street, Suite 1550
Las Vegas, Nevada 89101

*Attorney for Defendants HISCOX
INSURANCE COMPANY INC. and
HISCOX, INC.*

Gordon Rees Scully Mansukhani, LLP
300 S. 4th Street, Suite 1550
Las Vegas, NV 89101

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on the 8th day of July, 2021, the foregoing
NOTICE OF REMOVAL TO FEDERAL COURT was mailed via U.S. Post Office, first
class postage prepaid, upon the following:

H. Stan Johnson, Esq.
Ryan D. Johnson, Esq.
COHEN-JOHNSON, LLC
375 E. Warm Springs Road, Suite 104
Las Vegas, NV 89119
sjohnsn@cohenjohnson.com
rjohnson@cohenjohnson.com
Attorneys for Plaintiff

/s/ Gayle Angulo
An Employee of GORDON REES
SCULLY MANSUKHANI, LLP

Gordon Rees Scully Mansukhani, LLP
300 S. 4th Street, Suite 1550
Las Vegas, NV 89101